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at 3.30 p.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 3.50 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS: (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/50/L.47/Rev.1)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/50/L.62/Rev.1)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/50/L.46, L.66, L.67/Rev.1)

Draft resolution A/C.3/50/L.66

1. Mr. TIN (Myanmar) said that at the previous meeting he had voted against draft resolution A/C.3/60/L.66, entitled "Situation of human rights in Nigeria", because his delegation was opposed on principle to any provision that was not in keeping with Article 2, paragraph 7, of the Charter of the United Nations. Paragraphs 5 and 7 of the draft resolution interfered in the internal affairs of a sovereign State and for that reason constituted a dangerous precedent.

2. Mr. BORDA (Colombia) said that his delegation had supported the representative of Nigeria's motion to put paragraphs 1, 5 and 6 of the draft resolution to a vote since, in his opinion, paragraph 5 constituted interference in the internal affairs of a sovereign State.

3. Mr. FERNÁNDEZ (Cuba) said that the protection of human rights, democracy and other universal values should not serve as a pretext for political machinations. The Commission on Human Rights should not become a tribunal, especially one where only developing countries would be judged. His delegation, which had abstained in the vote, would have voted against paragraphs 5 and 6 of the draft resolution had they been put to a separate vote.

4. Ms. ENKHTSETSEG (Mongolia) said that her delegation had voted for the draft resolution because Mongolia firmly believed in the universality of human rights. However, her delegation nevertheless had reservations about paragraph 5 and would have abstained had there been a separate vote on that paragraph.

5. Mr. SOAL (South Africa) said that it had been very difficult for his delegation to decide to become one of the sponsors of draft resolution A/C.3/50/L.66 given the role the Nigerian people had played in the struggle against apartheid. However, South Africa, which had drawn painful lessons from its experience of apartheid, had made the promotion of human rights the cornerstone of its foreign policy. In the case at hand, the dignity of the Nigerian people had been compromised by the actions of the Nigerian Government, which should bear in mind that Nigeria was a party to the Harare Commonwealth Declaration, adopted in 1991.

6. Mr. LOHIDE (Sudan) said that his delegation was opposed to any resolution that dealt with human rights in a particular country, as did the draft resolution on Nigeria, which constituted hypocritical interference in the internal affairs of that State and was nothing more than a neo-colonialist ploy by advocates of basic rights who themselves were not beyond reproach. Certain puppet regimes, such as Egypt, enjoyed the Committee's indulgence, even though they committed multiple violations.

7. Mr. WISSA (Egypt), speaking on a point of order, said that the representative of the Sudan was speaking about bilateral matters that had nothing to do with the question under consideration.

8. Mr. LOHIDE (Sudan) insisted on the relevance of his statement and resumed his attack against the policy of States that closed their eyes to the human rights situation in certain countries, for example in Egypt.

9. Mr. WISSA (Egypt), speaking again on a point of order, requested that the representative of the Sudan confine himself to the draft resolution under consideration.

Draft resolution A/C.3/50/L.47/Rev.1

10. The CHAIRMAN announced that Albania, Argentina, Australia, Ireland, Malta, the Netherlands, New Zealand, the Republic of Korea, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America had become sponsors of draft resolution A/C.3/50/L.47/Rev.1, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". The draft resolution contained no programme budget implications.

11. Ms. NEWELL (Secretary of the Committee) announced the changes that the sponsors had made to the text. Between preambular paragraphs 3 and 4, a new preambular paragraph had been inserted, which read as follows:

> "Noting the recommendations proposed by the expert group on the integration of gender perspectives into United Nations human rights activities and programmes that met at Geneva from 3 to 7 July 1995;"

In the second line of operative paragraph 17, the words "treaty bodies that urges" should be amended to read "treaty bodies that treaty bodies urge".

12. Draft resolution A/C.3/50/L.47/Rev.1, as orally revised, was adopted.

Draft resolution A/C.3/50/L.46

13. The CHAIRMAN announced that Afghanistan, Austria, Bangladesh, Belgium, the Czech Republic, France, Ireland, the Islamic Republic of Iran, Jordan, Kuwait, Liechtenstein, Luxembourg, Malaysia, Monaco, the Netherlands, Poland, San Marino, Saudi Arabia, Senegal, Spain, Tunisia and the United Kingdom of Great Britain and Northern Ireland had become sponsors of draft resolution A/C.3/50/L.46, entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

(Serbia and Montenegro)". The draft resolution contained no programme budget implications.

14. Ms. NEWELL (Secretary of the Committee) said that the draft resolution was related to agenda item 112 (c) and not 112 (b), as had mistakenly been indicated on the document. The sponsors had replaced the fifteenth preambular paragraph with the following text:

> "Welcoming the efforts of the European Union to promote respect for human rights and fundamental freedoms through its monitoring mission as well as the reconstruction efforts of the European Union, other States and organizations, and endorsing the Special Rapporteur's recommendation that economic and other aid be made conditional on meaningful progress on human rights,".

15. Mr. HOPE (United States of America) announced other changes that had been made to the draft text. In paragraph 19, the phrase "including to account for the fate of the two missing French pilots and to ensure their immediate return" had been deleted, since the two pilots had been released. In the preamble, the following new preambular paragraph should be inserted immediately after the fifteenth preambular paragraph:

> "Noting with satisfaction offers of assistance in reconstruction efforts by Member States and organizations, including the Organization of the Islamic Conference,".

16. Mr. KOTROKOIS (Greece) said that Greece strongly condemned any violation of human rights and international humanitarian law, and the guilty parties, regardless of who they were, should all be brought before the International Criminal Tribunal for the former Yugoslavia. His delegation welcomed the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina, as well as its annexes regarding to refugees, displaced persons and elections. The completion of the peace process and the re-establishment of tolerance, cooperation and stability in the former Yugoslavia required the full implementation of the Agreement. It was therefore essential for the international community to ensure the implementation of the Agreement rather than make accusations against one party or another, which was the same as prejudging the conclusions of the International Criminal Tribunal. In the light of recent events and Security Council resolution 1022 (1995), his delegation, while supporting the overall idea of the draft resolution, would abstain if the draft was put to a vote.

17. Mr. BOUCHMARINOV (Russian Federation) said that the revised draft resolution remained inaccurate and partial. The presentation of the Federal Republic of Yugoslavia as a party to the conflict could lead one to believe that the war and human rights violations had taken place in its territory. Moreover, certain provisions went against the principle of non-interference in the internal affairs of States and the 1951 Convention relating to the Status of Refugees. It was therefore out of place to warn against any attempt to use Serbian refugees to alter the balance of the population in certain regions of the Federal Republic of Yugoslavia. Above all, the draft was biased in that it placed responsibility for human rights violations only on the Serbs, while

Croatia was only mildly criticized and the Muslim party received no blame at all; nevertheless, all parties had tolerated such violations. Only objective positions would help restore peace; the aims of the sponsors were particularly incomprehensible since a peace agreement had just been concluded.

18. At the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/C.3/50/L.46.

In favour: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela.

Against: Russian Federation.

Abstaining: Angola, Belarus, Burkina Faso, China, Congo, Côte d'Ivoire, Ethiopia, Gambia, Greece, India, Kenya, Mozambique, Namibia, Nigeria, Togo, Ukraine, United Republic of Tanzania, Zimbabwe.

19. Draft resolution A/C.3/50/L.46, as orally revised, was adopted by 124 votes to 1, with 18 abstentions.

20. Mr. MATESIC (Croatia) said that, although his delegation had voted in favour of the draft resolution, it reserved the right to state its reservations with respect to paragraph 6 at a plenary meeting of the General Assembly.

21. Mrs. BANNANI (Morocco) said that, although her delegation had voted in favour of draft resolution A/C.3/50/L.46 on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), that was not reflected in the voting sheet. The results of the vote should be corrected accordingly.

Draft resolution A/C.3/50/L.62/Rev.1

22. The CHAIRMAN announced that the following countries had joined the sponsors of draft resolution A/C.3/50/L.62/Rev.1, entitled "Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights": Argentina, Australia, Canada, Cape Verde, Colombia, Congo, Costa Rica, the Czech Republic, the Dominican Republic, Guatemala, India, Jordan, Kenya, Malta, Mauritius, New Zealand, Panama, the Philippines, the Solomon Islands, Suriname and the former Yugoslav Republic of Macedonia. The draft resolution had no programme budget implications.

23. Ms. NEWELL (Secretary of the Committee) said that the draft resolution had been revised by its sponsors as follows: the phrase "and to take urgent steps to seek increased extrabudgetary sources" had been added to the end of the third preambular paragraph; in the sixth preambular paragraph, the words "this request" should be replaced by the words "these requests" and the words "to fulfil those mandates" should be replaced by the words "to fulfil all these mandates"; in the seventh preambular paragraph, the word "Recalling" should be replaced by the words "taking into account". Paragraph 3 would read as follows: "Requests the Secretary-General to make available additional human and financial resources, within the overall regular budget of the United Nations, to enhance the capability of the High Commissioner and of the Centre to fulfil effectively their respective mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;".

24. Draft resolution A/C.3/50/L.62/Rev.1, as orally revised, was adopted without a vote.

25. Mr. FERNÁNDEZ (Cuba), welcoming the fact that the spirit of consensus had prevailed, said that the draft resolution just adopted failed to meet all expectations. He hoped that in future it would be possible to agree on provisions which included all the elements necessary for the real strengthening of the Centre for Human Rights.

Draft resolution A/C.3/50/L.67

26. The CHAIRMAN announced that the following countries had joined the sponsors of draft resolution A/C.3/50/L.67, entitled "The situation of human rights in Rwanda": Belgium, Cambodia, Cameroon, Canada, Congo, Denmark, Finland, Germany, Greece, Ireland, Israel, Italy, Malta, Monaco, the Netherlands, New Zealand, Norway, the Republic of Korea, Sweden, Tunisia and the United States of America. The draft resolution had no programme budget implications.

27. Ms. NEWELL (Secretary of the Committee) said that the sponsors of the draft resolution had revised it as follows: the fourth and fifth preambular paragraphs should be deleted and replaced by "Noting the concerns of the Special Rapporteur, as set out in his report of 28 June 1995, that the human rights situation is exacerbated by the insufficient system for the administration of

justice, characterized by a shortage of both human and material means, and that there are threats and violence against the physical integrity of individuals, arrest, detention and treatment and conditions of detention, which do not conform to international standards,"; after the existing eighth preambular paragraph, a new preambular paragraph should be inserted, which would read "Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,". The Security Council resolution mentioned in the twelfth preambular paragraph should be resolution 1029 (1995) instead of resolution 997. In the thirteenth preambular paragraph, after the words "humanitarian organizations", the words "and other international staff" should be inserted. Paragraph 12 should read: "Notes with concern the arrest, detention and treatment and conditions of detention which do not conform to international standards, as set out in the report of the Special Rapporteur of 28 June 1995;". After paragraph 12, two new paragraphs should be inserted. The first would read "Further notes with concern that a situation of insecurity still exists, evidenced by reports of threats and violence against the physical integrity of individuals, which is sometimes exacerbated by incursions," and the second would read "Urges governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry on Arms Flows in the Great Lakes region, established by Security Council resolution 1013 (1995)".

28. Draft resolution A/C.3/50/L.67, as orally revised, was adopted without a vote.

29. The CHAIRMAN proposed that the Committee should recommend to the General Assembly that it should take note of the reports of the Secretary-General on rape and abuse of women in areas of armed conflict in the former Yugoslavia (A/50/329); the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/50/469); respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (A/50/495), the United Nations Voluntary Fund for Victims of Torture (A/50/512); the situation of human rights in southern Lebanon and the western Bekaa (A/50/662); human rights and terrorism (A/50/685) and enhancing the effectiveness of elections and the promotion of democratization (A/50/736).

30. It was so decided.

31. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 112, sub-items (a), (c), (d) and (e).

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/50/L.69)

32. Mr. BUNCH (Department for Policy Coordination and Sustainable Development) introduced document A/C.3/50/L.69 entitled "Organization of work of the Third Committee and draft biennial programme of work of the Committee for 1996-1997" which had been compiled by the Secretariat and should be amended as follows: In annex I (Organization of work of the Third Committee), section E, the reference

to "policies and programmes involving youth (odd years)" should be replaced by "implementation of the world programme of action for youth to the year 2000 and beyond" in the list of matters to be considered on a biennial basis under item 4; in annex II (Biennial programme of work of the Third Committee), in the section dealing with 1996 and the documentation for item 6, the figure 8/ following the last document should be omitted; in the documentation for item 12 (a), the reference for the penultimate document "(draft resolution A/C.3/50/L.47, para. 2 (c))" should be replaced by "(draft resolution A/C.3/50/L.47/Rev.1)"; the reference for the last document in the same list, "(draft resolution A/C.3/50/L.47, para. 26)", should be replaced by "(draft resolution A/C.3/50/L.47/Rev.1, para. 24)"; the last item in the list of questions for consideration under item 12 (b), "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (draft resolution A/C.3/50/L.46)", should be deleted; it should be inserted at the beginning of the list of questions for consideration under item 12 (c); in the section dealing with the programme of work for 1997, an item entitled "Report of the Secretary-General on the implementation of the world programme of action for youth to the year 2000 and beyond (resolution 50/[to be completed])" should be added at the end of the list of documents under item 4.

33. Ms. ENKHTSETSEG (Mongolia) said that she hoped that an item entitled "Cooperation to establish universal education" would be added to the list of questions for consideration under item 4 of the biennial programme of work in annex I.

34. Ms. MARTINEZ de SALLEDO (Ecuador), speaking on behalf of the Group of Latin American and Caribbean States, said that, regarding item 12 entitled "Human rights questions", the report of the United Nations High Commissioner for Human Rights should be included in a new paragraph (e) rather than be subsumed in paragraph (b). She recalled that the Committee had already made a recommendation to that effect which had been adopted by the General Assembly.

35. Mr. BIGGAR (Ireland) said that it seemed logical to his delegation that the report of the High Commissioner for Human Rights should be included in paragraph 12 (b) of the programme of work since the document in question should have direct relevance to the issues raised in that paragraph. Moreover, it was important not to marginalize the High Commissioner; on the contrary, it was vital to stress that he occupied a central place in all matters concerning fundamental rights.

36. Mr. BOUCHMARINOV (Russian Federation) said that the programme of work should take account of General Assembly resolution 48/155 and mention the relevant report of the Secretary-General in paragraph 12 (c) of the biennial programme.

37. Mr. FERNÁNDEZ (Cuba) proposed placing items 2 and 3 of the programme of work, concerning elimination of racism and racial discrimination and the right of peoples to self-determination, immediately before item 12. All the items relating to fundamental rights would thus be considered at the end of the session, which would eliminate the need for representatives from the Centre for Human Rights to come to New York twice during the General Assembly session.

Such an approach would result in savings to the Organization and give the Secretariat time to compile all the necessary documents, in particular those relating to item 2.

38. Mr. RODRÍGUEZ (Spain) proposed regrouping items 6 and 7 of the programme of work, namely advancement of women and implementation of the outcome of the Fourth World Conference on Women, in a single item since they both dealt with the status of women. He also proposed the inclusion of follow-up to the World Summit for Social Development in the programme of work, to be taken up at the same time as item 4 on social development.

39. Ms. ESPINOSA (Mexico) noted that, with regard to items 8 and 10 of the programme of work, namely international drug control and the promotion and protection of the rights of children, the Committee had adopted omnibus resolutions which document A/C.3/50/L.69 had not taken into account. Specifically, during the forty-ninth session it had already been requested to change its programme of work to comply with the omnibus resolution on international drug control.

40. Mr. USUI (Japan) proposed regrouping items 5 and 8 of the programme of work, namely crime prevention and criminal justice and international drug control, in a single item.

41. Ms. KABA CAMARA (Côte d'Ivoire) said that the programme of work seemed not to take account of draft resolution A/C.3/50/L.31/Rev.1 on the girl child, which should be taken up annually under item 10.

42. Mr. BUNCH (Department for Policy Coordination and Sustainable Development) indicated that, regarding the addition of a further paragraph 12 (e) to the programme of work, the General Assembly's decision had applied only to the fiftieth session and neither the Committee nor the General Assembly had yet adopted a formal decision which the Secretariat could cite as an authority for the draft programme for 1996-1997. On including in the programme of work the question of follow-up to the World Summit for Social Development, he reminded the Committee that it would have to wait for the decision of the General Assembly on that issue. Likewise, the issues raised in items 6 and 7 of the programme of work had been separated because they referred to quite distinct and clearly defined mandates.

43. After a discussion in which Mrs. CASTRO de BARISH (Costa Rica), Mr. TELLES RIBEIRO (Brazil), Mr. REZVANI (Islamic Republic of Iran), Ms. ESPINOSA (Mexico), Mr. VAUGHN-FENN (United Kingdom), Mr. BIGGAR (Ireland), Mr. BORDA (Colombia), Mr. RODRÍGUEZ (Spain), Ms. FENG Cui (China), Mr. RONQUIST (Sweden), Mr. FERNÁNDEZ (Cuba), Mrs. ÁLVAREZ (Dominican Republic) and Mr. FERNÁNDEZ (Spain) took part, the CHAIRMAN proposed that the Committee should adopt the amended programme of work. The items would be taken up in the following order: 4, 5 and 8, 6 and 7, 9, 10, 11, 2 and 3, 12. The report of the United Nations High Commissioner for Human Rights would be considered separately and included as paragraph 12 (e).

44. The programme of work for 1996-1997, as contained in document A/C.3/50/L.69 and orally revised, was adopted.

45. The CHAIRMAN proposed that the Committee should take note of chapters I, III, V (sections B and D to I), IX and XIV of the report of the Economic and Social Council (A/50/3).

46. It was so decided.

47. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 12.

OTHER MATTERS

48. Mr. ZLENKO (Ukraine), referring to draft resolution A/C.3/50/L.20/Rev.1 entitled "Office of the United Nations High Commissioner for Refugees", which the Committee had adopted by consensus, said that his delegation would like to make a change to paragraph 23, replacing the phrase "notably in the Commonwealth of Independent States" by "in the States of the Commonwealth of Independent States which were Parties to the Convention". Ukraine attached great importance to the problem of refugees and his delegation had actively participated in formulating draft resolution L.20/Rev.1. His delegation did not wish to upset the consensus, but the adopted text did not address some of his concerns and paragraph 23 in fact violated Ukrainian national legislation.

49. The CHAIRMAN said that the Committee could not reopen discussion on a closed issue unless two thirds of its members agreed to do so. The consultations he had held indicated that such an outcome was unlikely. However, given the importance of the resolution and the desirability of its being adopted by consensus in plenary as well, he suggested that the Rapporteur of the Committee should read out the following text to the General Assembly, which had been drawn up after consultations with all the delegations concerned:

> "As all delegations are aware, Ukraine has expressed concern regarding operative paragraph 23 of resolution A/C.3/50/L.20/Rev.1 on the Office of the United Nations High Commissioner for Refugees and had intended to pursue an amendment to this paragraph. In a spirit of cooperation and in order not to open the resolution which has been passed by consensus, it has been agreed that, provided that their concerns and understanding regarding operative paragraph 23 were clearly understood, they would not pursue an amendment to the current text of the resolution. In this regard, I wish to state that the reference to the countries of the 'Commonwealth of Independent States' at the end of operative paragraph 23 pertains to those States which are Parties to the Convention referred to in the paragraph".

50. Mr. ZLENKO (Ukraine) said that he would ask his Government for instructions. His delegation reserved its right to come back to the issue of an amendment in the General Assembly.

51. The CHAIRMAN said that the conditions of the statement he had proposed had been set out quite explicitly.

52. Mr. BIGGAR (Ireland) said that he understood the Chairman's proposal to be consistent with conditions judged to be acceptable by all members of the Committee and that the adopted text would remain intact.

COMPLETION OF THE COMMITTEE'S WORK

53. After the customary exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the fiftieth session.

The meeting rose at 7 p.m.